

## Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 185148  
ORIGIN DLOS-09

INFO OCT-01 ISO-00 /010 R

DRAFTED BY D/LOS:GTAFT:LS

APPROVED BY D/LOS:GTAFT

-----027269 220642Z /20

R 212122Z JUL 78

FM SECSTATE WASHDC

TO AMEMBASSY SANTIAGO

LIMITED OFFICIAL USE STATE 185148

FOR AMB. ELLIOT L. RICHARDSON

E.O. 11652: N/A

TAGS: PLOS

SUUBJECT:LETTERS TO AMB. RICHARDSON FROM TANZANIAN AND  
JAPANESE LOS REPS

1. FOLLOWING ARE TEXTS OF LETTERS FROM TANZANIAN ATTORNEY  
GENERAL WARIOBA AND JAPANESE AMBASSADOR NAKAGAWA IN  
RESPONSE TO YOUR JUNE LETTER.

2. QUOTE - DEAR ELLIOT, I RECEIVED YOUR LETTER OF JUNE 15  
JUST AS I WAS LEAVING DAR ES SALAAM FOR A FEW DAYS. HENCE  
THE DELAY IN REPLYING.

-- YOU HAVE CERTAINLY GIVEN A GREAT DEAL OF THOUGHT ON WHAT  
THE NEXT STEP SHOULD BE IN THE LAW OF THE SEA NEGOTIATIONS  
AND THE SUGGESTIONS YOU HAVE MADE ARE INTERESTING. BEFORE  
WE REFLECT FURTHER ON YOUR PROPOSALS WE SHOULD RECALL IN  
CONTEXT THE PURPOSE OF THE RESUMED SESSION.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 185148

-- AT THE BEGINNING OF THE 1977 GENEVA SESSION THE CONFER-  
ENCE IDENTIFIED SOME HARD CORE ISSUES AND ORGANISED ITSELF  
TO DEAL WITH THEM. THE CONFERENCE DID NOT HAVE ENOUGH  
TIME TO FINISH WORK ON THOSE HARD CORE ISSUES, HENCE THE  
DECISION TO HAVE A RESUMED SESSION IN NEW YORK.

-- THE UNDERSTANDING OF MANY IS THAT THE RESUMED SESSION

WILL DEAL WITH THE SAME ISSUES. IF ANY CHANGE IS SUGGESTED I FEAR THERE IS LIKELY TO BE A LONG PROCEDURAL DEBATE AND TIME WILL BE WASTED.

-- THE GENEVA SESSION CERTAINLY DID SOME COMMENDABLE WORK AND I BELIEVE THE CONCLUSION OF NEGOTIATIONS IN THE SAME AREAS WOULD ENHANCE THE PROSPECTS OF THE CONFERENCE. I ACCEPT THAT THERE ARE CERTAIN AREAS WHERE FURTHER DISCUSSION WILL NOT YIELD ANYTHING SIGNIFICANT AT THIS STAGE. BUT I ALSO BELIEVE THAT FURTHER DISCUSSION WILL NOT CAUSE MUCH DAMAGE. ON THE CONTRARY, IT MAY TURN OUT TO BE VERY USEFUL. TAKE FOR EXAMPLE GROUP 4; BEFORE THE GENEVA SESSION IT APPEARED THERE WOULD NOT BE A MEETING POINT BETWEEN THE COASTAL AND LANDLOCKED STATES. THE GENEVA SESSION OFFERED THE ADVANTAGE OF THE TWO GROUPS NEGOTIATING TOGETHER, RATHER THAN IN SEPARATE GROUPS. IF DELEGATIONS WISH, THEY COULD CONTINUE AT NEW YORK, THOUGH IT MIGHT PROVE QUITE A STRAIN ON AMBASSADOR NANDAN. WHAT I AM SAYING IS THAT IT WOULD BE BETTER FOR THE DELEGATIONS MOST CONCERNED TO REALISE THAT THE MAXIMUM IN NEGOTIATIONS HAS BEEN REACHED RATHER THAN TO DECIDE THAT BY PROCEDURAL MEANS. I AM NOT SAYING THAT THE ISSUES YOU SUGGEST ARE LESS IMPORTANT. BUT I THINK WE CAN CREATE THE RIGHT ATTITUDE, WHICH HAS BEEN LACKING IN THE CONFERENCE, THAT IT IS POSSIBLE TO DEAL AND RESOLVE THE VERY DIFFICULT ISSUES. IF WE CONSOLIDATE WHAT WE STARTED AT GENEVA I BELIEVE WE WOULD LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 185148

SUCCEED IN CREATING THAT ATTITUDE.

-- THAT IS MY ASSESSMENT AND AT PRESENT ALL MY CONCENTRATION HAS BEEN DIRECTED ON HOW WE CAN REACH A FINAL SETTLEMENT ON THE GENEVA EFFORT. YOU COULD POSSIBLY GIVE FURTHER REFLECTION ON THE MATTER.

-- SINCERELY, J. S. WARIOBA, ATTORNEY GENERAL. UNQUOTE

3. QUOTE - DEAR MR. AMBASSADOR: I WISH TO THANK YOU FOR YOUR LETTER DATED JUNE 12, 1978, IN WHICH YOU WERE GOOD ENOUGH TO DIVULGE YOUR CONSTRUCTIVE THOUGHTS ON THE FORTHCOMING SESSION OF THE LAW OF THE SEA CONFERENCE. I ALSO READ WITH GREAT INTEREST YOUR STATEMENT MADE AT THE HOUSE INTERNATIONAL RELATIONS COMMITTEE ON MAY 24, 1978, AND THE DELEGATION REPORT PREPARED BY YOUR STAFF.

-- I BELIEVE THAT THE GENEVA SESSION MADE SOME PROGRESS, AND A GOOD MOMENTUM FOR FURTHER NEGOTIATION HAS DEVELOPED. I WAS ENCOURAGED BY THE WORKS DONE BY AMBASSADORS KOH AND NANDAN IN PARTICULAR. ON THE SPECIFIC POINTS OF YOUR ASSESSMENT AND THE TACTICAL CONSIDERATION FOR THE FUTURE,

MY VIEW IS, TO A CONSIDERABLE DEGREE, SIMILAR TO YOURS BUT ON CERTAIN MATTERS I HAVE DIFFERENT VIEWS AND ASSESSMENTS.

-- FIRST, I AM NOT ENTIRELY SATISFIED WITH THE NJENGA TEXTS PARTICULARLY WITH REGARD TO THE ISSUES OF TRANSFER OF TECHNOLOGY, PRODUCTION LIMITATION AND THE MORATORIUM CLAUSE (PARAGRAPH 6 OF ARTICLE 153). WE DO NOT CONSIDER THESE ISSUES SETTLED, AND STRONGLY HOPE THAT WE WOULD BE ABLE TO TACKLE WITH THESE ISSUES AGAIN IN NEW YORK, WITH DUE REGARD OF COURSE, TO THE CREDIBILITY OF MR. NJENGA VIS-A-VIS G-77.

-- IN YOUR LETTER YOU HAVE SUGGESTED TO POSTPONE THE DIS-LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 185148

CUSSION OF THE NJENGA TEXTS UNTIL AT THE LATER STAGE IN ORDER TO CONSIDER CHANGES OR CORRECTIONS IN THE LIGHT OF THE SEABED PACKAGE AS A WHOLE. HOWEVER, I DOUBT IF SUCH EFFORT WOULD PROVE SUCCESSFUL AT THE LATER STAGE OF THE NEGOTIATION. IT MIGHT BE BETTER TO NEGOTIATE FOR SUCH CHANGES AT THE NEW YORK SESSION IN ORDER NOT TO LET THE G-77 ENTERTAIN THE IMPRESSION THAT WE COULD GO ALONG WITH THE NJENGA TEXT.

-- SECONDLY, I ENTIRELY AGREE WITH YOU THAT VERY LITTLE PROGRESS WAS MADE IN THE NEGOTIATING GROUP 3 ON THE ISSUE OF THE COMPOSITION AND VOTING OF THE COUNCIL AND THAT A PROGRESS IS VERY UNLIKELY AT THE NEXT NEW YORK SESSION. HOWEVER, THE ADVISABILITY OF ENCOURAGING PAUL ENGO TO TAKE UP DISPUTE SETTLEMENT SEEMS TO ME QUESTIONABLE. GIVEN HIS PREVIOUS PERFORMANCE, IT SEEMS RATHER DANGEROUS TO LET HIM HANDLE SUCH A DELICATE AND COMPLEX ISSUE AS DISPUTE SETTLEMENT. IT WILL BE BETTER TO LET HIM HANDLE LESS CONTROVERSIAL ISSUE, IF HE HAS TO BE IN CHARGE OF ADDITIONAL ISSUES.

-- THIRDLY, WITH REGARD TO NEGOTIATING GROUP 6 ON THE DEFINITION OF THE CONTINENTAL MARGIN, I MUST REITERATE OUR WELL-KNOWN POSITION THAT WE CANNOT ACCEPT THE IRISH FORMULA (PARAGRAPH 3 (A) TO BE PRECISE). IN THIS REGARD, MY DELEGATION'S ASSESSMENT OF THE SOVIET PROPOSAL IS STILL CONTINUING BUT OUR CONCLUSION MIGHT BE DIFFERENT FROM YOURS.

-- NOW LET ME TURN TO THE SCHEDULE OF OUR MEETING. I THINK IT IS USEFUL TO HAVE A CONSULTATION BEFORE THE NEW YORK SESSION AND I ENTIRELY AGREE TO YOUR IDEA OF HAVING A GROUP OF FIVE MEETING IMMEDIATELY BEFORE THE BEGINNING OF THE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 05 STATE 185148

NEXT SESSION, ALTHOUGH I MAY NOT BE ABLE TO BE PRESENT PERSONALLY AT SUCH MEETING AS I WILL BE ATTENDING THE CONFERENCE ON THE LAW OF STATE SUCCESSION IN VIENNA IN AUGUST.

I ALSO THINK THAT IT IS USEFUL TO HAVE A LIKE-MINDED STATES MEETING TO FOLLOW UP THE DISCUSSION HELD IN PARIS ON JUNE 26 AND 27. IN THIS CONNECTION, MR. IGUCHI, DEPUTY DIRECTOR-GENERAL OF THE LAW OF THE SEA OFFICE, IS INTENDING TO VISIT WASHINGTON ON JULY 13 - 14 ON HIS WAY TO BUENOS AIRES TO ATTEND THE ANTARCTIC TREATY CONSULTATIVE MEETING AND I DO HOPE THAT HE COULD MEET SOME OF YOUR PEOPLE INVOLVED IN THE DEEP SEA-BED MINING LEGISLATION.

-- I AM LOOKING FORWARD TO SEEING YOU AND CONTINUING TO WORK WITH YOU AND YOUR DELEGATION IN NEW YORK IN AUGUST.

-- SINCERELY YOURS, TORU NAKAGAWA, AMBASSADOR. UNQUOTE.  
VANCE

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW OF THE SEA, DIPLOMATIC COMMUNICATIONS, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 jul 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE185148  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** GTAFT:LS  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** n/a  
**Expiration:**  
**Film Number:** D780301-0845  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780732/aaaabbal.tel  
**Line Count:** 193  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** a8b68a6e-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN DLOS  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 29 apr 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 1923048  
**Secure:** OPEN  
**Status:** <DBA CHANGED> VJT 20041021  
**Subject:** LETTERS TO AMB. RICHARDSON FROM TANZANIAN AND JAPANESE LOS REPS  
**TAGS:** PLOS, TZ, JA, US, LOS, (RICHARDSON, ELLIOT L)  
**To:** SANTIAGO  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/a8b68a6e-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014